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Re: PROTEST OF OIL AND GAS LEASE SALE – UTAH, NOVEMBER 21, 2006
PARCEL UT-002 – WITHIN ASHLEY NATIONAL FOREST

This Protest is filed by **Red Rock Forests, Citizens' Committee to Save Our Canyons, High Uintas Preservation Council and Utah Chapter of Sierra Club** (collectively "Red Rock Forests") pursuant to 43 CFR 3120.1-3. Red Rock Forests protests the inclusion of parcel **UT-002** in the November 21, 2006 Competitive Oil and Gas Lease Sale to be held by the Utah State Office of the Bureau of Land Management ("BLM").¹

¹ This protest is directed to (1) the National Forest Service ("Forest Service"), as the agency with surface management authority and the legal responsibility to conserve surface resources, and (2) the Bureau of Land Management ("BLM"), the agency responsible for the lease sale, lease administration, and subsurface minerals management. Collectively, the Forest Service and the BLM are referred to as "the agencies." Either agency has the authority and the responsibility to withdraw these lands from the lease sale or impose adequate stipulations to ensure compliance with applicable law and policies.

Maps of parcel UT-002 indicate that it encompasses portions of the Ashley National Forest, including portions of an inventoried roadless area (IRA) as designated by the Forest Service. Moreover, it appears that the portion of the parcel that includes Forest Service lands is not protected by a "no surface occupancy" (NSO) stipulation. As a result, the offering of this parcel for lease is illegal based on the reinstated Roadless Rule, Forest Service regulations and other applicable statutes.

I. Statement of Standing

Red Rock Forests, based in Moab, Utah, has approximately 315 members, many of which reside in Utah. Red Rock Forests' mission is the preservation of Utah's forested habitats. Red Rock Forests relies on sound biological principles to guide its policy, goals, and decision-making, with a particular emphasis on conservation biology. Red Rock Forests uses citizen action, community organizing, and collaborative agreements, as well as legal challenges, to further its conservation mission. Red Rock Forests maintains a particular interest in the forested uplands of Utah's national forests. Red Rock Forest members and staff frequently visit the Ashley National Forest on a regular basis—traveling specifically to the areas encompassed by the lease sale, including the inventoried roadless area lands at issue in this protest. Members hike, camp, observe wildlife, photograph scenery, and find emotional and spiritual sustenance in the forested lands in Utah, including lands on the Ashley National Forest. Red Rock Forests' members' enjoyment of the Ashley National Forest will be severely diminished by oil and gas development and/or leasing.

Citizens' Committee to Save Our Canyons ("SOC") is a Salt Lake City, Utah grassroots environmental organization organized in 1972 to respond to the numerous environmental threats to the Wasatch Mountains. SOC has a membership of approximately 1,000 individuals, most of who reside along the Wasatch Front. SOC's mission is to protect the natural environments of the public lands along the entire Wasatch Range and nearby forestlands, from the Wellsvilles to Mt. Nebo. SOC achieves this mission through active involvement in planning processes at city, county, state, and federal levels. SOC raises awareness on issues of concern through various outlets including publishing a quarterly newsletter, organizing the Wasatch Front Forum, hosting a radio show on KRCL (90.9 FM), and directing an extensive volunteer program. SOC maintains a particular interest in the regions of the Ashley National Forest being offered for oil and gas leasing. SOC members frequently visit the Ashley National Forest to hike, camp, identify plants, observe birds and wildlife, soak in natural hot springs, and photograph the scenery. SOC members have visited the area of Ashley National Forest proposed for oil and gas leasing and intend to return within the next year. SOC members' enjoyment of the Ashley National Forest, in particular the land proposed for oil and gas leasing, will be adversely affected by oil and gas development and/or leasing.

High Uintas Preservation Council (HUPC) is a non-profit conservation organization whose mission is to preserve and restore the integrity of the Uinta Mountains ecosystem. To accomplish this mission and maintain the inherent biodiversity and natural processes of this area, HUPC fosters ecological literacy, activism, and community-based solutions, and encourages the accountability of public decision makers. HUPC members and staff have an intense interest in management decisions affecting the Ashley National Forest because members and staff regularly

use and enjoy the Forest to observe wildlife, hike, camp, boat, take photographs, and engage in other environmental, aesthetic, and recreational activities. In particular, HUPC advocates for the conservation of Ashley National Forest IRAs because of their enormous value as habitat and corridors for wildlife, which in the future may include Canada lynx and wolverine. Oil and gas development within the Ashley National Forest adversely affects the environmental, scenic, aesthetic, recreational, and spiritual interests of HUPC members and staff.

The Utah Chapter of the Sierra Club ("Utah Chapter") is a group of members and volunteer activists dedicated to preserving and enjoying the land and quality of life in Utah and the West. The Utah Chapter has more than 5,000 members statewide. The Utah Chapter's members use and enjoy the Ashley National Forest for hiking, solitude, bird and wildlife watching, angling, photography, and other environmental, spiritual, aesthetic, and recreational pursuits. The Utah Chapter's members regularly visit the Ashley National Forest, including the affected roadless areas, and intend to continue to visit these biologically important areas in the near future. The Utah Chapter is involved in public land decision-making by reviewing environmental documents, representing environmental interests at public meetings and hearings, and researching and writing on specific public land and environmental health issues. Utah Chapter volunteer and members' interests will be adversely impacted by oil and gas exploration and development and/or leasing of the protested parcels.

II. The Leasing of Parcel UT-002 is Illegal.

According to BLM's Notice of Competitive Lease Sale list for the November 21, 2006 lease sale, BLM intends to lease parcel UT-002, which encompasses part of the Ashley National Forest. However, there is no recognition in the lease sale notice or list of this fact. For this reason alone, the leasing of this parcel is improper.

Moreover, according to the record, the Forest Service did not conduct any site-specific analysis prior to authorizing BLM to offer this parcel. This violates the National Environmental Policy Act (NEPA), the National Forest Management Act (NFMA), and the Federal Onshore Oil and Gas Leasing Reform Act, which require a localized, site-specific analysis of the potential environmental impacts of oil and gas development.

Nor can the agency rely on the Western Uinta Basin Oil and Gas EIS (Oil and Gas EIS) to demonstrate that it conducted any pre-leasing site-specific analysis of the disputed parcels. Rather, the analysis in this document is generalized and occurs only on a landscape level. For this same reason, any reliance on the Oil and Gas EIS for compliance with the Endangered Species Act or the National Historic Preservation Act (NHPA) is misplaced, because any analysis, information and consultation is insufficiently site-specific to meet the requirements of those statutes.

To further explain the basis of our protest, we hereby incorporate by reference and cite our October 31, 2005 Protest of the November 15, 2005 Lease Sale involving 17 parcels on the Ashley National Forest. As the issues we raised in that protest are identical to those we raise here, we rely on that document to further elucidate the basis for this protest.

Moreover, the offering of parcel UT-002 without NSO stipulations to protect the IRA is illegal under the Roadless Area Conservation Rule, 66 Fed. Reg. 3,244 (Jan. 12, 2001) (Roadless Rule), which is currently in effect. The Roadless Rule prohibits new mineral leases that would allow new road construction within inventoried roadless areas. 36 C.F.R. § 294.12 (2004). Because the Forest Service has not attached NSO stipulations prohibiting road construction to the portion of the parcel within the IRA, the agencies are violating the Roadless Rule by offering this parcel for lease.

If parcel UT-002 is not withdrawn, the agencies must condition leasing on imposing a NSO stipulation prohibiting road construction – not subject to waiver or exemption – for all IRA lands within the proposed lease parcel to protect the full range of roadless area values as required by the Roadless Rule.

NEPA requires that the agencies take a hard look at the environmental impacts prior to offering Ashley National Forest lands for leasing and to make the analysis available for public review and comment. The Forest Plan also requires site-specific analysis prior to leasing. In addition, the agencies must consult with Fish and Wildlife Service on the proposed parcels within the Ashley National Forest. Also, NHPA requires identification of cultural resources and consultation with Tribes and other Native American groups prior to leasing. The agencies have failed to comply with these mandates.

Finally, because the agencies may not issue leases for parcels UT-002 in violation of the Roadless Rule, Red Rock Forests requests that the BLM and Forest Service withdraw the parcel from any future lease sales. Although the agencies could comply with the Roadless Rule by attaching a non-waivable NSO stipulation prohibiting road construction to the lease, that would not cure the violations of NEPA and NFMA that Red Rock Forests has demonstrated in this protest.

Respectfully submitted this 6th day of November, 2006.

A handwritten signature in dark ink, appearing to read "David Becker", is written over a horizontal line.

David Becker

Joro Walker

Attorneys for Red Rock Forests, Citizens'
Committee to Save Our Canyons, High Uintas
Preservation Council and the Utah Chapter of the
Sierra Club